

REMARKS

At the time of the Fifth Office Action dated January 25, 2008, claims 1-9 were pending and rejected in this application.

Applicant has cancelled claims 1-9 to remove these claims from further consideration in this application. Applicant is not conceding in this application that those claims are not patentable over the prior art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the present application. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

CLAIMS 1-9 ARE REJECTED UNDER 35 U.S.C. § 102 AS BEING ANTICIPATED BY KNIGHT

Claims 1-9 have been cancelled, and thus, the Examiner's rejection as to these claims is moot.

Each of independent claims 10, 14, and 18 recite limitations similar to "upon determining at the messages exist, for the requested topic, within the separate ones of the plurality of subtopics, creating a separate retrieval thread of execution for each specific subtopic/subscriber pair." Each of independent claims 10, 14, and 18 further recite limitations similar to "retrieving the messages, from within the separates ones of the plurality of subtopics, respectively using the separate retrieval threads of execution for each specific subtopic/subscriber pair." Regarding the

1 previously claimed "plurality of threads of execution," on page 9 of the Decision on Appeal, the
2 following findings were made:

3 Appellant merely argue that "entirely absent from these passages is a teaching as
4 to the claimed 'plurality of threads of execution.'" (App. Br. 7.) However, the
5 Examiner found that Knight discloses customized search robots performing
6 independent functionality (Ans. 9-10). We add that Knight discloses that the
7 search robots may simultaneously parse the database to update or remove entries
8 (FF 4). We find that the reference, read in its entirety, provides adequate support
9 for the Examiner's interpretation of the plurality of threads limitation in claim 5.
10

11 Assuming, for sake of argument, that the disclosure by Knight of "customized search
12 robots performing independent functionality" somehow corresponds to the previously claimed
13 "plurality of threads of execution," these teachings do not identically disclose the newly-
14 presented claimed limitations. Specifically, the claims recite that the separate retrieval threads of
15 execution are created upon determining that the messages exist within separate ones of the
16 plurality of subtopics – no such determination, however, is taught by Knight.
17

18 Moreover, the claims recite that the separate retrieval thread of execution are created for
19 each specific subtopic/subscriber pair. All of these limitations, however, are not identically
20 disclosed by Knight as Knight is silent as to separate retrieval threads of execution for specific
21 subtopic/subscriber pairs. Additionally, Knight fails to identically disclose that the messages are
22 retrieved from the separate ones of the plurality of topics, respectively, using the separate
23 retrieval threads of execution for each specific subtopic/subscriber pair. For above-described
24 reasons, Applicant respectfully submit that a rejection of newly presented claims 10-21 under 35
25 U.S.C. § 102 for anticipation based upon Knight would not be proper.

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicant hereby respectfully requests reconsideration and prompt allowance of the pending claims.

Although Applicant believes that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction. (emphasis added)

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

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Respectfully submitted,

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